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In re Application of

JENSEN, Benny V.

U.S. Application No.: 10/597,545

PCT No.: PCT/DK2005/000065

Int. Filing Date: 28 January 2005

Priority Date: 30 January 2004

Attorney Docket No.: HOI-11502/16

For: USE OF ACE INHIBITORS AND/OR
ANGIOTENSIN II RECEPTOR
ANTAGONISTS FOR THE IMPROVING
AND/OR MAINTAINING THE SKIN
TONE AND FOR THE TREATMENT OF
SKIN AGEING

**DECISION ON
PETITION
UNDER 37 CFR 1.497(d)**

This is a decision on the papers filed 11 October 2007 requesting to add Richard Bonniehsen as an inventor in the above-captioned national stage application. This is treated as a request under 37 C.F.R. 1.497(d).

BACKGROUND

On 28 July 2006, applicants filed papers to enter the national stage of PCT/DK2005/000065.

On 11 October 2007, applicants filed a declaration listing two inventors which was accompanied by, *inter alia*, a statement under 37 CFR 1.48(a) by Richard Bonniehsen and a \$130.00 processing fee.

DISCUSSION

Applicants request that Richard Bonniehsen be added as inventor to the above-captioned national stage application of PCT/DK2005/000065.

37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this

section names an inventive entity different from the inventive entity set forth in the international application, or a change to the inventive entity has been effected under PCT Rule 92 bis subsequent to the execution of any declaration which was filed under PCT Rule 4.17(iv), the oath or declaration must be accompanied by:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in § 1.17(i); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Here, applicants have provided the requisite statement from Mr. Bonniehsen. As such, item (1) is satisfied.

The \$130.00 fee has been paid. Item (2) is complete.

However, applicants have not provided the written consent of the assignee. A review of the subject application shows that the assignee is listed as ACE APS. Applicants must provide a written consent of the assignee for a grantable petition under 37 CFR 1.497(d). Item (3) of 37 CFR 1.497(d) is not satisfied.

All the requirements of 37 CFR 1.497(d) are not yet satisfied.

CONCLUSION

For the reason discussed above, applicants' request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

The declaration filed 11 October 2007 is not yet in compliance with 37 CFR 1.497(a) and (b).

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to (571) 273-0459, or if mailed addressed to

10/597, 545

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Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O.

Box 1450, Alexandria, Virginia 22313-1450.

A handwritten signature in black ink, appearing to read "James Thomson". The signature is fluid and cursive, with the first name "James" and last name "Thomson" clearly distinguishable.

James Thomson

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